IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 128/2007
NAND KISHORE @ NANCHHU & ANR. Vs. STATE OF RAJASTHAN

DATE: 19.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. N.A. Naqvi for the accused-petitioners.
Mr. S.N. Gupta, Public Prosecutor for the State.

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Heard learned counsel for the accused-petitioners, learned Public Prosecutor for the State and have also gone through the impugned order dated 14.02.2001 passed by the Civil Judge (Jr. Division) & Judicial Magistrate, Chomu, District Jaipur, by which on the protest petition filed by the complainant, cognizance has been taken against the accused-petitioners for the offence under Sections 323, 504 r/w Section 34 IPC.

Having considered the submissions made on behalf of the accused-petitioners and looking to the age of accused-petitioner No.2 Vinod Kumar S/o Shri Nanchhu Ram and the certificate of Secondary School Examination, 2001 of the accused-petitioner Vinod Kumar issued by the Board of Secondary Education, Rajasthan, which reveals that at the time of the incident,

accused-petitioner No.2 Vinod Kumar was minor and even otherwise, no specific allegations are levelled against accused-petitioner Vinod Kumar so far as offence under Section 504 IPC is concerned.

Thus, having gone through the impugned order dated 14.02.2001 and looking to the age of the accused-petitioner No.2 Vinod Kumar, I find illegality and error apparent on the face of the record in the impugned order so far as taking cognizance against the accused-petitioner Vinod Kumar under Section 504 IPC is concerned and, therefore, to this extent the impugned order dated 14.02.2001 is hereby quashed and set-aside, but so far as cognizance taken against the accused-petitioner No.2 Vinod Kumar under Section 323 IPC is concerned, the impugned order dated 14.02.2001 is upheld.

As regards cognizance taken against the accused-petitioner No.1 Nand Kishore @ Nanchhu Ram for the offence under Sections 323, 504 IPC, the impugned order dated 14.02.2001 requires no interference and the same is upheld.

With these observations, the revision petition stands disposed of.

(K.S. RATHORE),J.

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